

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 27, 2008**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, P. J., O'Leary, J., Aronson, J., and Fybel, J. Denise Massey, deputy clerk attending.

G038645 OLDCASTLE PRECAST
 v.
 LUMBERMENS MUTUAL CASUALTY

Merits. Cause called. Newton W. Kellam argued for appellant. Kerri M. Melucci argued for respondent. Cause submitted.

G039154 RUSSELL MIURA
 v.
 JESSICA ELISEO

Merits. Cause called. Jeffrey T. Roberts argued for appellant. Paul K. Wood argued for respondent. Cause submitted.

G038920 RICHARD LAIRD
 v.
 ROBERT JOHNSTON

Merits. Cause called. Adam K. Shea argued for appellant. James L. Crandall argued for respondent. Cause submitted.

G039733 JULIE A. WILSON
 v.
 COUNTY OF ORANGE et al.

Merits. Cause called. John J. Gulino argued for appellant. Gary M. Lape argued for respondent. Cause submitted.

G038539 RAYMOND C. KALDENBACH
 v.
 UNITED OF OMAHA LIFE INS.

Merits. Cause called. Frank J. Coughlin argued for appellant. Sandra I. Weishart argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 27, 2008 (cont'd)**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, Acting P. J., Fybel, J. and Ikola, J. Toni Cajigal, deputy clerk attending.

G038648 THE PEOPLE
 v.
 VU T. BUI

Merits. Cause called. Susan L. Ferguson argued for appellant. Sharon Rhodes, Deputy Attorney General argued for respondent. Cause submitted.

G037997 THE PEOPLE
 v.
 JOHNNY L. THOMAS et al.

Merits. Cause called. Carl Fabian argued for appellant Johnny L. Thomas. No appearance by Charlotte E. Constan counsel for appellant Wyron J. Oard, counsel waives oral argument. No appearance by John L. Dodd counsel for appellant Dashawn Graham, counsel waives oral argument. No appearance by Michael B. McPartland counsel for appellant Raymond D. Graham, counsel waives oral argument. Cause submitted.

G039622 THE PEOPLE
 v.
 EDDIE G. MENDIOLA

Merits. Cause called. Mark S. Devore argued for appellant. Billie Gibson certified law student argued for respondent and Marissa Bejarano designated as the supervising Deputy Attorney General. Cause submitted.

G039458 THE PEOPLE
 v.
 MARTY J. LOVAN

Merits. Cause called. Richard De La Sota argued for appellant. Christine Dowling certified law student argued for respondent and Marissa Bejarano designated as the supervising Deputy Attorney General. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 27, 2008 (cont'd)**

G037818 ALEXIS SARTI Certified for publication
 v.
 SALT CREEK LTD.

Opinion filed. The judgment is reversed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 MOORE, J.

G038365 KENNETH B. BINNS
 v.
 WESTMINISTER MEMORIAL PARK

Order filed. Pursuant to C.R.C., rule 8.256(e)(1) submission of the above entitled matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The issues raised require additional time for the preparation of the court's opinion. (C.R.C., rule 8.256(e)(1).)

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 ARONSON, J.

G038954 KIRK D. ROBINSON
 v.
 SHANN E. CHASTAIN

Order filed. The petition for rehearing is DENIED.

ARONSON, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 27, 2008 (cont'd)**

G039202 THE PEOPLE Not for publication
 v.
 ROGELIO LUNA

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: RYLAARSDAM, ACTING P. J.
 MOORE, J.

G040090 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 ROSIE N.

Order filed. The above entitled cause is ordered submitted this date. (C.R.C., rule 8.416(g)(3).)

SILLS, P. J.

G040104 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 COLETTE D. et al.

Order filed. The above entitled cause is ordered submitted this date. (C.R.C., rule 8.416(g)(3).)

SILLS, P. J.

G040572 ORANGE COUNTY SOCIAL
 SERVICES AGENCY

Order filed. The above entitled cause is ordered submitted this date. (C.R.C., rule 8.416(g)(3).)

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 28, 2008**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P. J., O’Leary, J., and Aronson, J. Denise Massey, deputy clerk attending.

G039112 KEN THURM et al.
 v.
 CUSTOM POOL PLUMBING et al.

Merits. Cause called. Christopher W. Hellmich argued for appellants. Aaron P. Morris argued for respondents. Cause submitted.

G039706 CENTURION PARTNERS SERVICES
 v.
 CHARLES DAVIS et al.

Merits. Cause called. Mark A. Rodriguez argued for appellants. James L. Goldman argued for respondent. Cause submitted.

G038601 MESA WEST, INC.
 v.
 NATHAN LAMOURE

Merits. Cause called. Nathan D. LaMoure argued in propria persona. Jack Smart argued for respondent. Cause submitted.

G039699 BURLINGTON COAT FACTORY
 v.
 BELLA TERRA ASSOCIATES

Merits. Cause called. Alana H. Rotter argued for appellant. Peter A. Umoff argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 28, 2008 (cont'd)**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P. J., Rylaarsdam, J., and Fybel, J. Toni Cajigal, deputy clerk attending.

G040485 BETTY PRITEL
 v.
 ROMAN CATHOLIC OF ORANGE

Merits. Cause called. Daniel R. Sullivan argued for appellant. Tom Normandin argued for respondent. Cause submitted.

G039566 VICTORIA DUPONT
 v.
 DEAN LEFFLER et al.

Merits. Cause called. Richard A. Muench argued for appellant. William J. Kopeny argued for respondent. Cause submitted.

G040169 RICHARD W. BISBEE
 v.
 DENISE J. PATE

Merits. Cause called. Saul E. Wolf argued for appellant. Elizabeth Valadez argued for respondent. Cause submitted.

G040113 BOARD OF TRUSTEES OF FULLERTON
 JOINT UNION HIGH SCHOOL DISTRICT
 v.
 COMMISSION ON PROFESSIONAL COMPETENCE et al.,

Merits. Cause called. Margaret A. Chidester argued for appellant. Carlos R. Perez argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 28, 2008 (cont'd)**

G038290 CARL KINDRICH III et al. Certified for publication
v.
THE LONG BEACH YACHT CLUB et al.

Opinion filed. The judgment is reversed.

RYLAARSDAM, J.

I concur: SILLS, P. J.
I dissent: BEDSWORTH, J.

G039455 THE PEOPLE Not for publication
v.
CHRISTIAN THOMAS

Opinion filed. The judgment is affirmed.

BEDSWORTH, J.

We concur: SILLS P. J.
 IKOLA, J.

G039731 PALACIO DEL MAR HOMEOWNERS
ASSOCIATION, INC.
v.
ARNOLD A. MCMAHON et al.

Order filed. Pursuant to rule 8.256(e)(1) of the C.R.C., submission of the above entitled matter is hereby vacated so the court may accept the documents submitted for filing by plaintiff Palacio Del Mar Homeowners Association. Defendants may file supplemental briefs within 10 days of the date of this order. The matter will be resubmitted on the date the defendants file their supplemental briefs or upon the expiration of their time to do so.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 28, 2008 (cont'd)**

G039795 GLOBALIST INTERNET Certified for publication
 TECHNOLOGIES, INC.
 v.
 ALBERT R. REDA et al.

Opinion filed. The postjudgment order is reversed and remanded with directions.

O'LEARY, J.

We concur: SILLS, P. J.
 ARONSON, J.

G039869 NELSIY VEGA Not for publication
 v.
 JOHN S. WILLIAMS

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: RYLAARSDAM, ACTING P. J.
 ARONSON, J.

G039883 NICHOLAS LABORATORIES, LLC Not for publication
 v.
 CHRISTOPHER CHEN

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: SILLS, P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 29, 2008**

G039061 THE PEOPLE
 v.
 DANIEL K. PIKE

Opinion filed. The judgment is affirmed.

BEDSWORTH, J.

We concur: SILLS, P. J.
 IKOLA, J.

G039376 THE PEOPLE
 v.
 IRA E. NESBITT

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039194 PHILLIP T. SZANTO
 v.
 PETER SZANTO

Not for publication

Opinion filed. The judgment and order is reversed and remanded.

BEDSWORTH, ACTING P. J.

We concur: ARONSON, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 29, 2008 (cont'd)**

G039635 POWER FABRICATING, INC.
 v.
 STATE COMPENSATION
 INSURANCE FUND

Order filed. Order modifying opinion and granting request for publication;
no change in judgment.

ARONSON, J.

We concur: SILLS, P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 30, 2008**

G038796 THE PEOPLE
 v.
 JERRY HUYNH

The petition for rehearing is denied.

RYLAARSDAM, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G039551 SCOTT P. HOLCOMB
 v.
 OSO VALLEY GREENBELT
 ASSOCIATION et al.

Not for publication

Opinion filed. The judgment is affirmed.

ARONSON, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G040458 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 CHRISTINA G.

Order filed. The above entitled cause is ordered submitted this date. (C.R.C. rule 8.416(g)(3)).

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
October 31, 2008**

G038799 THE PEOPLE Not for publication
v.
E.Z.

Opinion filed. The judgment is affirmed.

ARONSON, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G041012 THE PEOPLE
v.
GREG SANDOVAL

Order filed. Appellant was invited to file points and authorities addressing this court's jurisdiction to entertain the appeal but did not do so. On the court's own motion, the appeal is DISMISSED.

SILLS, P. J.